

## APPENDIX S

### FRAUDULENT CONDUCT AND WHISTLEBLOWER POLICY

Amendments to this Appendix S are the responsibility of the Board of Directors.

#### ARTICLE 1

##### 1.01 Purpose:

- A. To clarify that United States Synchronized Swimming (USSS) will not tolerate fraudulent or dishonest conduct by its members, volunteers, contractors or employees.
- B. To set forth the process for handling allegations of fraudulent or dishonest conduct.
- C. To affirm that Whistleblowers will not face retaliation for reporting such conduct in good faith.

##### 1.02 Definitions:

- A. **Baseless Allegations:** Allegations made with reckless disregard for their truth or falsity. People making such allegations may be subject to disciplinary action.
- B. **Fraudulent or Dishonest Conduct:** A deliberate act or failure to act with the intention of obtaining an unauthorized benefit. Examples of such conduct include, but are not limited to:
  1. Forgery or alteration of documents related to USSS business.
  2. Unauthorized alteration or manipulation of USSS computer files.
  3. Fraudulent financial reporting by USSS officials or employees.
  4. Pursuit of a benefit or advantage in violation of USSS Conflict of Interest Policy.
  5. Misappropriation or misuse of USSS resources, such as funds, supplies, or other assets.
  6. Authorizing or receiving compensation from USSS for goods not received or services not performed.
  7. Authorizing or receiving compensation from USSS for hours not worked.
- C. **Whistleblower:** A member, volunteer, contractor, or employee who informs a manager, supervisor, the Executive Director, or the President of USSS about an activity which that person believes to be fraudulent or dishonest.

##### 1.03 Policy:

- A. USSS will investigate any possible fraudulent or dishonest use or misuse of USSS resources or property by management, staff, volunteers, or members. Anyone found to have engaged in a fraudulent or dishonest conduct is subject to disciplinary action by USSS.
- B. The USSS community is encouraged to report possible fraudulent or dishonest conduct. Members, volunteers and contractors should report possible fraudulent or dishonest conduct to the Executive Director or President of USSS. An employee should report his or her concerns to a manager or supervisor. If for any reason an employee finds it difficult to report his or her concern to a manager or supervisor, the employee should report it directly to the Executive Director. If the employee believes that the conduct is that of the Executive Director, s/he should report it to the President.

##### 1.04 Managers or Supervisors:

- A. Managers or supervisors are required to report suspected fraudulent or dishonest conduct to the Executive Director or, if the suspected conduct is that of the Executive Director, to the President. In addition, managers or supervisors are responsible for maintaining a system of management controls which detect and deter fraudulent or dishonest conduct. Failure by a manager or supervisor to report misconduct within the scope of this policy may result in adverse personnel action against the manager or supervisor, up to and including dismissal. The Executive Director is available to assist management in recognizing improper conduct.

- B. Reasonable care should be taken in dealing with suspected misconduct to avoid:
  - 1. Baseless allegations.
  - 2. Premature notice to persons suspected of misconduct and/or disclosure of suspected misconduct to others not involved with the investigation.
  - 3. Violations of a person's rights under law. Accordingly, a manager or supervisor faced with suspected misconduct:
    - a. Should not contact the person suspected to further investigate the matter or demand restitution.
    - b. Should not discuss the case with anyone other than the Executive Director or President, as appropriate.
    - c. Should direct all inquiries from any attorney retained by the suspected individual to the Executive Director or USSS General Counsel.
    - d. Should direct any inquiries from the media to the Executive Director or President.

#### **1.05 Whistleblower Protection:**

- A. USSS will protect Whistleblowers as follows:
  - 1. USSS will use its best efforts to protect Whistleblowers against retaliation, as described below. It cannot guarantee confidentiality, however, and there is no such thing as an "unofficial" or "off the record" report. USSS will keep the Whistleblower's identity confidential, unless:
    - a. The person agrees to be identified;
    - b. Identification is necessary to allow USSS or law enforcement officials to investigate or respond effectively to the report;
    - c. Identification is required by law; or
    - d. The person accused of policy violations is entitled to the information as a matter of legal right in disciplinary proceedings.
  - 2. USSS employees may not retaliate against a Whistleblower with the intent or effect of adversely affecting the terms or conditions of employment or other contractual rights (including but not limited to, threats of physical harm, loss of job, punitive work assignments, impact on salary or wages, or impact on contractual payments). Whistleblowers who believe that they have been retaliated against may file a written complaint with the Executive Director or, if the Whistleblower believes that s/he has been retaliated against by the Executive Director, with the President. A proven complaint of retaliation shall result in a proper remedy for the person harmed and the initiation of disciplinary action, up to and including dismissal, against the retaliating person. This protection from retaliation is not intended to prohibit the Executive Director, or managers or supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related factors.
  - 3. Whistleblowers must be cautious to avoid baseless allegations (as described earlier in the definitions section of this policy).